

REPORT
of the
JOINT FACT-FINDING COMMITTEE
on
UN-AMERICAN ACTIVITIES

ESTABLISHED BY THE THIRTIETH LEGISLATURE UNDER
HOUSE CONCURRENT RESOLUTION NO. 10
TO THE 31st WASHINGTON LEGISLATURE
JANUARY, 1949

*To the Honorable Members of the
Thirty-first Washington State Legislature*

We submit herewith our report and recommendations on subversive activities in the State of Washington as authorized and directed by House Concurrent Resolution No. 10 passed by the 30th Legislature.

Made a part of this report are the two printed volumes of testimony taken by this Committee at two public hearings, both of which have been made available to each legislator.

Respectfully submitted,

(Signed) A. F. CANWELL
Representative A. F. Canwell, Chairman

(Signed) THOS. H. BIENZ
Senator Thomas H. Bienz, Secretary

(Signed) H. G. KIMBALL
Senator Harold G. Kimball

**Senator R. L. Rutter, Jr.

(Signed) GRANT SISSON
Representative Grant Sisson

(Signed) SYDNEY A. STEVENS
Representative Sydney A. Stevens

*Representative George Yantis

Acting under the instructions and authority of the 30th Legislature's HCR No. 10, in which the dangers of this state and nation from subversive forces was clearly indicated, your Committee has sought to discharge its responsibility to the Washington State Legislature and to the people of this state.

Before embarking on a history of the Washington State Un-American Activities Committee or recording a statement of its findings and recommendations in detail, we feel that a brief general statement regarding our findings should be set forth.

Knowing the nature of the world communist conspiracy against free peoples, and seeing its creeping paralysis spread across great areas of the world, and even now posing a military threat to our state, we have approached our task with a deep sense of personal responsibility. We saw in our assignment an obligation to investigate the extent of this conspiracy in the State of Washington and disclose the identity of as many of its agents as possible.

We have proceeded to do this as rapidly and as effectively as time and a lim-

* Deceased.

** Resigned.

ited staff would permit. We have at the same time taken every precaution to safeguard the civil rights of individuals who became the subjects of our investigations and inquiries, the loud accusations and protests of the Communists and their friends and legal advisers notwithstanding.

The Communists and their apologists have at all times and places attempted to attack the very proper and constitutional conduct of this Committee in its investigation of Communists. They have tried to make it appear that in our conduct and procedure we were in conflict with basic civil rights. Our conflict has never been with civil rights but rather with standard Communist obstruction tactics.

Regardless of our wishes, war may occur between Soviet Russia and the United States; to many informed people it seems inevitable. Only the wishful thinkers and the wilfully naive discount the possibility. Our proximity to recently constructed and very elaborate airbases in Siberia, plus our state's importance in the production of war essentials, makes the conclusion obvious that our state would share with Alaska the initial blows of such a war.

Ordinary prudence dictates that we take measures to protect ourselves from the treachery of Communist agents known to be operating within the boundaries of our state. We need but to take cognizance of the oft-stated aims of the leaders of the world Communist Party in their blueprint for world conquest to know that we are a primary target. If we will review the pre-invasion technique of Communist Party members in Romania, Poland, Yugoslavia and Czechoslovakia before their disappearance behind the Iron Curtain, we will see in Washington State the identical pattern of activity in operation.

Recently in Seattle, a responsible Polish refugee aptly described the situation existing in his home town, Lwow, Poland, prior to the Communist seizure. He said, "At two o'clock in the afternoon, we had no Communists. Three hours later we had 100,000. That many residents of Lwow were on the streets, wearing Communist uniforms or armbands. They took over the city, including the police."

The State of Washington is acrawl with trained and iron disciplined Communists. They have operated here with seeming immunity. Many of them hold almost impregnable positions of confidence and trust in their communities. They have successfully infiltrated their constant objectives, education, government, labor and municipal services. They effectively operate and manipulate an incredible maze of propaganda outlets known as Communist Front Organizations.

If the Communists are permitted to work unhampered a short time more in American education, the significance of our historic background will be almost completely lost to a generation of Americans. Our endeavors in uncovering Communist activity in education were largely confined to disclosure of evidence showing that Communists agents are being employed by this state in tax supported institutions.

We did not at this time investigate to any great extent the substance of any teaching. We felt it sufficient to disclose the aims of the Communists in education and point out the rigid discipline and control held by the Party over its members. It then becomes obvious that a member of the Communist Party could not possibly shed his communism on entering the classroom. That as a Communist he is dedicated to the overthrow of the system and state employing him. That as a Communist he has subordinated his belief in academic freedom to the will of the Communist Party. By his own consent he is no

longer a free agent and when he talks of academic freedom and civil rights it becomes the rankest hypocrisy.

To date, the only effective weapon against the conniving of the Communist conspirators in America has been the legislative investigations conducted by the Congress and the several states. While the purpose of such investigations has always been corrective and preventive legislation, a wholesome by-product has been exposure. This the Communist cannot withstand. When the true nature of his activities and objectives is exposed to the pitiless light of publicity, decent people will not support him. As always, when a lie is compared with the truth in the market place, it eventually falls of its own weight.

One of the foremost objectives of the Communist Party at the present time in the State of Washington and throughout the United States is a plan to curtail and impair the powers of the people to investigate Communists through their legislative bodies. Legislative investigation is a thoroughly constitutional weapon designed for the self-preservation of a free people and its curtailment at this time can be suicidal.

A clever, consistent and well-financed propaganda to achieve this objective has been carried on in this state for many months.

This Committee believed that an investigation in such a challenging field required the services of experts in the investigation of subversive activities, and so proceeded to employ a staff composed of the most able men available in the various federal agencies. Most of the investigators acquired have had many years of experience investigating Communist and other subversive activities while employed in federal service.

It should be noted that we avoided employing persons who were seeking employment at the time, thus minimizing the possibility of having a questionable person planted on the inside of our organization. Each man was a trained investigator with a thorough knowledge of what constitutes evidence. Two of our staff are members of the bar in addition to having had long years of experience in professional investigation.

This background of experience plus a vast fund of personal knowledge regarding subversive activities and agents in the State of Washington made these men extremely valuable to the Committee. Much of the success accompanying the Committee's investigations can be credited to the fact that the staff was composed of men who were able to avoid the obvious mistakes usually made by well-meaning amateurs who engage in any investigation.

The members of the Committee were at all times determined not to invade the area of individual rights in the slightest degree. With this goal constantly in mind, investigations were instituted only upon the most substantial information.

Communists were so numerous and active on Washington's west coast that it is hardly conceivable that this Committee or any similar committee would wish to stir up trouble for itself by making unfounded and irresponsible charges.

The opposite has invariably been the case. Many times the Committee has declined to pursue certain substantial and important leads because of limitations imposed by time and the size of our staff.

Some of the current "party line" regarding the Un-American Activities Committee is that we should have had a lawyer on the legislative committee. The facts of the case are that we did have a lawyer member of the Committee. We had two more on our staff. We had the entire and frequent cooperation of

the State Attorney General and his large staff. In addition, we employed as an advisor to the Committee one of the most able constitutional lawyers in the state who successfully defended the numerous nuisance suits brought against the Committee by the Communists. There were also many able and patriotic lawyers who volunteered their services to the Committee. We point this out to enable members of the legislature to more easily scent the Communist propaganda in such indirect attacks on the very proper procedure of this Committee.

Early in our investigations it became apparent that a large and well-organized group of disciplined Communists are operating in the State of Washington and have been for many years. These Communists are agents of Soviet Russia through their membership and strict loyalty to the Communist Party. Some are aliens, more are American born, but all are alike in their undeviating obedience to the dictates of the Kremlin laid down to them in what is known as the Party Line.

Every Communist and Communist sympathizer is a potential saboteur and spy and it is the rankest nonsense to finance this program of self-destruction with public funds. An alarming number of Communists are on federal, state and municipal payrolls.

The predatory nature of the world Communist Party is well attested to by many former Communists in the transcripts of our two public hearings which are appended to and made a part of this report. They are identified as "First Report on Un-American Activities in Washington State" and "Second Report on Un-American Activities in Washington State."

In addition to the printed reports of testimony taken at our two public hearings, the Committee has accumulated an index file of approximately 40,000 subjects dealing with Communists, their Front Organizations and activities and related materials. In the case of notorious Communists such as William Pennock, Tom Rabbitt, Hugh DeLacy and Ralph Gundlach, their cards may have scores of individual notations and cross references. We have found a pattern of Communist intrigue and conspiracy of alarming proportions extending over the State of Washington and the Pacific Northwest like a huge spider web. The cables of this web are imbedded deep in federal, state, and municipal government, all levels in education, state welfare programs, labor organizations and religion.

Limited by time we could not make an exhaustive investigation in all of these fields, but did investigate with enough thoroughness to know that a real and present danger exists. Testimony in the transcript of our first hearing will show that an active cell of Communists consisting of members of the Legislature functioned under the capitol dome at Olympia during sessions of the Legislature and that an alien Communist regularly met with the cell and laid down the Party Line. Confidential information in possession of the Committee also indicates that at least one person active in this cell was known to and in touch with a Soviet spy operating in New York and Washington, D. C., at that time.

In support of the statement that there are Communists agents operating inside the federal government with heretofore seeming immunity, we wish to call to your attention the now famous Hiss-Chambers spy case. This Soviet Communist spy ring was first called to the attention of the American public by this Committee at a public hearing held in Seattle on July 19-23, 1948.

This Committee had specific instructions from the Legislature to investigate the extent of Communist activity in unemployment relief and other forms of public assistance. We were also directed to investigate Communists in the educational institutions of this state, supported in whole or in part by state funds. We devoted the major part of our endeavors to investigating the Communist seizure of the old age pension group and to the Communist activity in higher education.

Our first public hearing was held in Seattle January 27-31, 1948. This hearing centered around the operation of the Washington Old Age Pension Union as a Communist Front Organization. We also disclosed the Communist control of the now defunct publication known as the "New World," and the now almost defunct Pacific Northwest Labor School as a Communist Front. This latter mentioned school has also been listed by the Attorney General of the United States as a subversive organization.

We also assisted the Building Service Employees Union to rid the Seattle local of its Communist control. Large sums of money were diverted from the funds of this Union to the support of Communist activities and Front Organizations, including the Labor School and the New World.

The second public hearing was also held in Seattle July 19-23, 1948, and disclosed evidence of Communist infiltration into the faculty of the University of Washington. Several faculty members wilfully placed themselves in contempt of the Legislature by refusing to answer the questions of the Committee. By unanimous action of the Committee they were cited for contempt and their cases are now pending in Superior Court. Included in this group of reluctant witnesses were several non-teachers. One of these is Rachmiel Forschmeidt, an employee of the King County Health Department, who refused to testify and was cited for contempt.

Others included an off-campus theater group doing business as the Repertory Playhouse. The operators, Mrs. Florence Bean James and her husband, Burton James, as well as an associate, Albert Ottenheimer, placed themselves in contempt of the Legislature rather than give testimony under oath regarding their Communist activities.

Details of these hearings and the problems arising out of them will be dealt with to some length in this report. An actual transcript of testimony taken at both hearings is appended to this report as previously stated.

While engaged in an intensive investigation in these two fields of Communist activity, it became increasingly apparent that all Communist activity in all fields is interrelated. That Communist agents while assigned to different projects are all dedicated to the same objective; the softening up of our people for the eventual violent overthrow of our government. That they work as a team taking their orders from the top, and that they do not deviate in the minutest detail from the Party Line and Party instructions. This may involve the following out of some minor Party assignment in a labor organization, outside speaking engagements for a university professor, or obedience to accepted Party conduct before a legislative hearing. No deviation from Party instructions is permitted—none occurs.

THE WASHINGTON OLD AGE PENSION UNION
AS A COMMUNIST FRONT ORGANIZATION

A Communist Front organization may come into being by several methods. It may be and often is organized on direct orders of the Central Committee to meet a specific propaganda need in support of Russian foreign policy. An example might be the propaganda to hurry our troops home from China, organized to support the Communist expansion program in the Far East. When the word comes down from the top these fronts break out like a rash all over the country.

They may seek to prevent the deportation of Harry Bridges or a thousand and one Communist purposes including such committees as those hastily set up to prevent the investigation of Communist activities in education. Many times they are designed to interfere with the operation of our military establishment, such as the Committee to Oppose Peacetime Conscription, so active on the campus of many an American college and university.

Usually these committees or Fronts are composed of a combination of skilled Communists who are pulling the wires, some pseudo liberals and soft-headed dupes and a sprinkling of honest but confused individuals. But always they serve the sinister purposes of Soviet Russia and work to the detriment of America.

Another effective and often used method is to infiltrate an already established and thoroughly respectable organization. This is accomplished by having trained Communists join the group, work into positions of leadership and trust, eventually seize control and then convert it into an instrument for Communist purposes.

This was cleverly and effectively accomplished by the Communists in the infiltration and seizure of the Washington Old Age Pension Union. The Pension Union was composed of a group of old people bound together by a common interest in old age security. Their chief activity consisted of weekly social gatherings where the subject of discussion was pensions.

The Eagles Lodge and many private citizens had unselfishly aided the oldsters in setting up their organization. Their dues were modest, the members were old people and their objectives were mainly laudable.

Into this group of honest, kindly and respectable old people, the Communist Party moved one of its cleverest and most promising young agents, twenty-four year old William Pennock. The seizure of the Pension Union was rapid and thorough; non-Communists were eased out of official positions and their places filled with such loyal Party members as William Pennock, Tom Rabbitt and N. P. Atkinson and many others.

No longer were discussions at Pension Union meetings confined to pension problems. A constant flow of resolutions and press releases supporting Russian foreign policy and the current Party line began to emanate from the state organization of the Pension Union. The proportion of non-pensioner members began to increase, so that a resolution originating in an old age pension meeting or convention often was the product of a Communist member of the Washington Old Age Pension Union who was still in his early twenties.

William Pennock is a brilliant young Communist who has mercilessly exploited the old people of this state for Communist purposes. No doubt this report will serve to increase his stature at the Kremlin, but a careful study of this report and a reading of the transcript of testimony taken at the com-

mittee's first hearing should nullify his influence and that of his associates before the Washington State Legislature.

Sworn testimony reveals that Pennock and some of his associates engaged in the most contemptible exploitation of the funeral of an old-age pensioner, Marie Redenbaugh. Testimony shows that the Communist William Pennock offered a profane prayer over the corpse and then proceeded to deliver a typical Communist harangue against the Washington State Legislature. Pennock and his associates deliberately misstated the facts incident to the death of Mrs. Redenbaugh, causing relatives and friends of the deceased to leave the funeral service in disgust.

The Communist-dominated Pension Union became a very vocal instrument in support of Russian foreign policy, current Party Line and all Communist enterprises. To keep the oldsters satisfied they kept up a running fight to increase state pensions, liberalize requirements for recipients and generally enlarge public welfare expenditures.

This served several sinister purposes for the Communists. It kept the old folks reasonably quiet. It enabled the Communists to constantly bleed the old people for substantial portions of their pensions. Thus, funds voted by the Legislature for old-age assistance were diverted to the support of Communists and to finance Communist propaganda.

Their program also was designed to eventually place an unbearable tax burden on the state. It is a major purpose of the Communist Party everywhere to create a bankrupt state economy, thereby furthering and intensifying public dissatisfaction and enabling the Communists the more easily to develop and spread distrust and hostility toward the American system.

Despite the Committee's thorough exposure of the Communist control of the Pension Union the Communists undoubtedly have achieved their greatest single success in the State of Washington in recent years with the passage of Initiative 172.

It is worthy of note that in King County where the Communist origin and support of Initiative 172 was thoroughly exposed by the newspapers the initiative was defeated by the voters.

A more widespread dissemination of the information contained in the transcript of the first public hearing of this Committee might have saved the deserving pensioners and the rest of the people of this State the disaster of Initiative 172.

The actual history of Initiatives 170 and 172 is that they were both masterminded by the young Communist, William J. Pennock. The first Initiative, 170, was filed with the Secretary of State January 13, 1948. The accompanying affidavit bore among others, the signature of William Pennock.

This initiative was subsequently found to be faultily drafted and was withdrawn. Initiative 172 was substituted in its place February 26, 1948. The signature of William Pennock was conspicuously absent from the affidavit accompanying the new Initiative measure, although he continued to carry on all negotiations concerning Initiative 172, including the delivery of the final signature sheets. Receipts and correspondence in the Secretary of State's office will support this statement.

It should be remembered that between the filing of the first and second initiatives, William Pennock's long Communist affiliation and activity came in for a thorough airing before a public hearing of this Committee. At this hear-

ing twenty-one former members of the Communist Party testified under oath to the Communist Party membership of Pennock.

Although repeatedly invited by the Committee to take the witness stand and deny under oath the many accusations of Communist affiliation and activity leveled at the leadership of the Pension Union, neither Pennock nor any of his associates chose to avail themselves of the opportunity.

Pennock chose rather to make his denials where the penalties for perjury could not be imposed. This is typical of Communists. They shout about free speech being curtailed by legislative committees, but can never be induced to speak freely—under oath.

William Pennock was the first person to attempt to disrupt the hearings of the Committee. When the first hearing was called to order, Pennock jumped up in the rear of the room and screamed loudly and unintelligibly at the Committee.

The decision had already been made not to let the Communists take over this function of the Legislature. The Committee determined to maintain the dignity of the Legislature of this state and proceed with the business at hand. The Chairman directed the officers of the State Patrol to escort Pennock from the hearing. Pennock returned later and kicked violently on the door.

It is extremely difficult to conduct an orderly public hearing on Communists because the Communists will not permit it to be done. They are masters in the use of disruptive tactics. Their greatest aim is to make the legislative process seem ridiculous by turning it into another "forum for the revolution."

The Committee was unable to find any visible means of support for Pennock other than the funds he is able to extract from the meager pensions of the old people of this state. A future committee should delve into the financial operations of Pennock and the Pension Union officers.

When the 30th Legislature created this Committee to investigate subversive activities the Communists immediately set in motion an all-out effort to tie its hands. The Front organizations were whipped up, undercover Communists and fellow travelers issued statements viewing such investigations with alarm. A long series of costly legal steps was initiated, starting with an abortive attempt to refer HCR No. 10.

In the name of the Washington Pension Union, Pennock and other Communists kept the Un-American Activities Committee before the courts for many months. They unsuccessfully argued the Committee's constitutionality before the lower courts, the State Supreme Court and finally took it to the United States Supreme Court.

The expense of this costly Communist maneuver was largely borne by the old age pensioners, from whose meager funds the legal fees paid to John Caughlan as well as incidental court costs, were siphoned.

Aiding and abetting this travesty was the State Treasurer, Russell Fluent, who supplies the legal peg to hang their suits on by refusing to honor the payroll vouchers of the Committee. The successor committee should investigate the long and intimate relationship existing between Russell Fluent and the Communist Party—should he attempt to continue in public life.

To finance a Communist Front organization by mulcting the aged of their meager funds is certainly a vicious and contemptible practice. Far more vicious is the use of these well-meaning old people as an implement to accomplish the destruction of the one thing they hold most dear, their own country.

This was done in hundreds of cases where the Communist leadership of the Washington Pension Union used that organization as a vehicle for the transmission of every bit of the Communist Party Line to an entire state for a period of approximately ten years.

A negligible percentage of the actual pensioners were aware of the manner in which they were being used. Any objections raised by pensioners to any part of this high-handed program were ruthlessly squelched by the Communists who skillfully controlled these meetings.

One elderly lady interested in the pension movement, a Mrs. Marian Knox, was manhandled and beaten at a Pension Union meeting for stating that its speaker, Dr. C. H. Fisher was not telling the truth in his statements regarding this Committee.

Members of the Pension Union were coerced to subscribe to the Communist publication, *The New World*, in which the press, the government and the entire American system were constantly under attack.

Pensioners were frightened and coerced into compliance with the Communist program by a constant barrage of such scare slogans as "Hunger Act," "Pension Wreckers," and a constant repetition of false and misleading information regarding the Social Security Act of this state.

The Committee prepared a chart illustrating the current Party Line at any given time during the history of the Communist control of the Pension Union. The chart will show that the Pension Union invariably supported the Party Line in conflict with American Foreign Policy. They followed the Party Line by countless resolutions and press releases dealing with hundreds of issues having absolutely nothing to do with pensions.

The record will show that the Communists took the Pension Union through all the twists and turns of the Party Line including the Party Line switch which occurred following the abrogation of the Hitler-Stalin Pact.

The Legislature should draft legislation designed to protect the legitimate recipients of state pensions and other welfare funds from being victimized by unscrupulous and designing individuals who might wish to exploit them. The fund itself should be safeguarded by clauses which would prevent such characters as William Pennock and Tom Rabbitt from partaking of the fund.

LABOR SCHOOL

There is a network of Communist created and directed so-called "labor schools" strategically situated throughout the country. These schools are used for dissemination of Communist propaganda, the making and training of Communists and the publicizing of the Communist Party Line.

They have been cleverly disguised as schools for the discussion of labor problems, but most, if not all of them, have recently been exposed for what they are.

Seattle has one of them. It is known as the Pacific Northwest Labor School, whose present head is John Daschbach. Daschbach replaced Bert McLeech whose long Communist record and use of aliases and name changes are fully recorded in the printed transcript of this Committee's first public hearing.

It is unfortunate that some members of the University of Washington appeared with more or less frequency as speakers at this school, thus lending their names and the prestige of the University of Washington to its proven subversive purposes.

Among the members of the University of Washington teaching staff who were speakers and/or teachers at this potent instrument of the Communist Party were the following: Dr. Ralph Gundlach, Dr. Albert Franzke, Professor Harold Eby and Professor H. J. Phillips.

There can be no question that by their appearance as speakers and/or teachers at this school for Communism, the foregoing members of the University of Washington teaching staff aided and abetted the Communist conspiracy in this state.

It should be noted also that the Communist demonstrations conducted to disrupt the public hearings of this legislative Committee formed at this labor school and marched on the State Armory under the direction of such characters as William J. Penneck, Tom Rabbitt and Jerry O'Connell.

It was at one of these demonstrations that Jerry O'Connell and an associate, Forest Crumpley, were arrested by Seattle Police and convicted in justice court of disorderly conduct.

The Pacific Northwest Labor School has been labeled a subversive organization by the Attorney General of the United States.

BUILDING SERVICE EMPLOYEES UNION

Your Committee played an important part in bringing about the public exposure of the Communist domination of the Building Service Employees Union of Seattle.

Your Committee interceded at the specific and insistent request of members of the union who had grown weary of being footfalls for the Communist leadership of William Dobbins, Ward Coley and Merwin Cole, executive officers of the local.

It was after the legislative Committee brought to public view the facts regarding the subversive character of these men and the subversive purpose to which union dues were diverted that the International with which this local is affiliated ordered the removal of Dobbins, Coley and Cole.

These three had been largely instrumental in establishing and promoting the Communist Pacific Northwest Labor School and the Building Service local's records revealed that \$3,868 of members' dues had been diverted to the support of this Communist enterprise without the knowledge of the body of the membership. Investigation of the records subsequently disclosed contribution of member dues to at least seventeen other Communist Fronts, and to the Communist Party itself. Many other unions, of course, had no connection whatever with this school, while others, apparently unaware of the fact that it was an instrument for the spread of Soviet Russian propaganda, have since repudiated it and withdrawn their support.

Labor leaders of importance have privately congratulated the Committee for thus assisting labor in helping it in labor's long fight to free itself completely from the tentacles of Russia's fifth column.

REPERTORY PLAYHOUSE

Your Committee's second report proves indisputably that the Repertory Playhouse, which for many years has enjoyed a peculiar prestige as a school for the drama, is one of the most important aboveground Communist Front organizations in the State of Washington.

It is indeed a recruiting school for the Communist Party. Its strategic situation in immediate proximity to the University of Washington has led

many to believe it is a part or adjunct of the University, which it is not. It is financed largely by public subscriptions.

But it has employed its proximity to the University of Washington to heavily recruit its pupils from university students and many of them have been subtly indoctrinated with the poison of Communism in an attempt to breed contempt for the American system of government.

Testimony shows that besides performing as a recruiting center and training ground for Communism, the Playhouse has been an important cog in fund raising for the Communist Party. This institution we regard as even more vicious and inimical to our free institutions than the Pacific Northwest Labor School, which has officially been declared a subversive organization.

Heading the operations of the Repertory Playhouse and guiding its established Communist policy are Burton James, director; Mrs. Florence Bean James, assistant or co-director; and Albert Ottenheimer. Testimony concerning this trio as well as their own conduct toward the legitimate functioning of this Committee will be found in the Committee's second report, which has been made available to every legislator.

PROCEDURE AND CIVIL RIGHTS

Among the many important questions the members of this Committee insisted on having answered to its own satisfaction before proceeding was one we still believe to be most important. Could the undertaking assigned to us be accomplished without at the same time invading the area of civil rights? We agreed to proceed only so far as this could be accomplished.

First, we sought out the available information in this particular field. We studied the reports and records of other investigating committees. We attempted to arm ourselves with a knowledge of the accomplishments and mistakes of others who had pioneered in legislative investigations of subversive activities.

It is the history of legislative committees having conducted investigations into Communist activities that they have exercised remarkable restraint. A knowledge of the sinister nature of Communism plus an insight into the extent of their penetration in America tends to clothe the sincere investigator in this field with a firm resolve to make his every effort count.

We found that legislative investigations have long legal precedent in America, having been known to American law for more than a hundred years. We found also that such procedures were never seriously called in question until they began to concern themselves with the hidden plottings of the Communists. We found no instance where a picket line was thrown around a legislative hearing to protest its operation, except where such committees were taking testimony concerning Communists.

In adopting a plan of procedure, the Committee followed closely the recommendation of the Brookings Institute in their "Suggested Standards for Determining Un-American Activities."

It was the opinion of the committee making the report for the Brookings Institute that:

"It is un-American for any individual to advocate, or to attempt to bring about a change in the form of government in the United States without following the processes prescribed for that purpose by the Constitution of the United States and by the constitutions of the several states.

"It is un-American for any person secretly to conspire by any methods, constitutional or otherwise, to overthrow or attempt to overthrow a government of law and to substitute therefor a government vested with complete discretionary power."

Your legislative Committee is thoroughly convinced that by the above standards the Communist Party and each of its members is un-American. We are convinced that in every instance the American Communist is subservient to the dictates of Moscow and that he is at all times and places conspiring by secret and deceptive means to destroy this government. That his ultimate thinking invariably includes the use of force and violence.

It has long been apparent that the laws on sedition and treason are inadequate to prevent the boring from within tactics of the Communists. Are we to presume that the founders of our Republic contemplated that the Constitution and the Bill of Rights should provide a protective mantle for those engaged in organized treason at the behest of a foreign government? We think not. It seems reasonable and right, that when the exercise of individual rights places the whole people in jeopardy, the primary right of self-preservation asserts itself and beyond that point liberty becomes license.

The Communists are adroitly using our natural reluctance to interfere in the free exercise of individual rights as a weapon with which to destroy us. It seems that we must, if we are to survive, determine at what point the right of the individual ends and the primary right of self-preservation retained at all times by the people asserts itself.

The Communists and their fellow-travelers have long and unconscionably presumed on the fundamental decency of the American people. They have abused the privilege extended to them in a free society in which they refuse to share the responsibilities that accompany the enjoyment of freedom.

It has been the hope and dream of all Americans that we could always extend to all people, the worthy and unworthy alike, the maximum enjoyment of liberty under law. We believe that even in the present emergency we can maintain our traditional standards of liberty if we but impose a few reasonable responsibilities of citizenship on people in public employ.

It seems to the Committee to be no invasion of civil rights to compel a public employee to state under oath, where the penalties for perjury can be involved, whether or not he owes allegiance to any foreign government. The fact that the Communist Party of the United States and the Communist Parties of every country are extensions of the world Communist Party, operating from the Kremlin is so well established that no reasonable person should at this late date question its truth.

It seems that the loyal citizen could easily dispose of the question of Communist affiliation, with the simple answer of "No" if it were the truth. And it follows that when a person cannot answer in this manner the burden of responsibility shifts to his shoulders and he should not be permitted to hide his actions behind the Bill of Rights. The Bill of Rights was primarily designed to protect the innocent from oppression; not to pave the way for oppression.

We believe that the security of this country is at all times paramount to a fancied right of privacy regarding affiliation in a known subversive organization, such as the Communist Party. It must be obvious that a man's liberty of action ceases at the precise point where his neighbor's injury begins.

The Communists in our midst have long since passed the point where liberty becomes license. We know that there are great and learned arguments extant against the imputing of guilt by association. When association constitutes in truth and in fact, participation in a conspiracy, the "guilt by associa-

tion" arguments lose validity. Nor are we ready to believe that any precept in law can reverse the truisms that "birds of a feather flock together," and that "a man is known by the company he keeps."

The Committee has used its powers to compel attendance and testimony judiciously. Professors and most other witnesses who were to be subpoenaed by the Committee were approached in advance by the Committee investigators in a discreet and courteous manner. Professors were advised in advance of the substance of the Committee's evidence regarding their alleged connection with the Communist Party, and invited to discuss that evidence with either the investigators or the Chairman of the Committee.

Professors known to the Committee to be members of the Communist Party and under its discipline reacted violently to this approach.

RIGHT OF COUNSEL

Much has been said about the right of reluctant witnesses to have benefit of counsel at legislative hearings. This right has never been questioned by this Committee. However, deliberate falsehoods to the contrary have been circulated by Communists, their friends, apologists and legal advisors.

The Committee quite properly stipulated to witnesses and their attorneys that no time would be devoted to debate or argument concerning the constitutionality of the Committee or its right to require testimony. Witnesses were also advised that the Committee would not through its hearing willingly provide a forum for Communist propaganda speeches.

Because of the nature of legislative hearings, there is little occasion for counsel to do more than advise the client. The procedure of legislative committees, their function and powers are determined by the Legislature and may be challenged in the courts when thought to exceed constitutional limitations.

No useful purpose can be served by arguing these issues before a legislative committee engaged in performing a specific assignment by the whole Legislature. Nothing but delay and obstruction could possibly be accomplished.

The purpose of legislative hearings is to obtain facts on which to base legislation. No findings of guilt are made and no indictments drawn. Witnesses cannot be prosecuted as a result of testimony they may give before a legislative hearing as long as they do not commit perjury or place themselves in contempt.

Witnesses before this Committee were permitted to have their attorneys seated at their immediate right hand during the entire course of their testimony. They were permitted freely to confer with their counsel before answering any question.

The only deviation from this procedure was when the disorderly conduct of some of the witnesses' lawyers created such confusion that it was impossible to proceed in an orderly manner. This was done deliberately.

In the case of Attorney John Caughlan, whose violent and disorderly conduct occasioned his removal from the hearing room, there is no doubt in the minds of the Committee that his clients' interests at the hearing were being subordinated by Mr. Caughlan to those of the Communist Party.

The Committee quite properly refused to accept previously prepared statements of reluctant witnesses in lieu of testimony, or as a condition of compliance with the Committee's authority to compel testimony.

A witness first having lawfully complied with the Committee's summons and freely or otherwise answered its questions to the best of his ability, might then reasonably request the privilege of having a further statement concerning his position considered by the Committee. And if sworn to and germane to the inquiry, it should be, and in our case would be, entered in the record.

No accusations concerning any person were ever seriously considered or acted upon by this Committee unless the witness was first willing to sign a sworn statement to support the same. We took extreme precautions to prevent any witness from making unfounded charges and haphazard reference to names while giving testimony for the record. We never permitted testimony concerning names and events which could not be substantially corroborated.

Some frank questions should be asked those who are fronting for the reluctant witnesses and other Communists. Questions as to why they have such difficulty in answering a few simple questions with which an honest and respectable citizen would have no difficulty at all.

Communists are under instructions and very specific instructions to use every tactic "legal and illegal" to disrupt every hearing or trial in which they appear, or, failing in that, to turn the so-called "capitalist" court or hearing room into a public forum for the spread of Communist Party propaganda. One of their aims is to make such hearings appear ridiculous.

Knowing this, the legislative committee was determined to leave nothing undone to prevent the Communists from sabotaging the hearings, but at the same time it employed every possible bit of self-restraint in dealing with the obvious Communist obstruction tactics.

Actually, the Committee has been under criticism for being too tolerant, rather than intolerant, of Communists' efforts to sabotage the will of the Legislature.

It should be borne in mind that the Communists have nothing but the most cynical contempt for our established legal processes and never overlook an opportunity to obstruct them or make them appear ridiculous in the eyes of the people. The Committee had to be constantly alert to protect the legal sanctity of its procedure as well as legislative dignity itself, against the most ceaseless onslaughts of the Communists and some of their so-called legal representatives.

Members of the Legislature who sat in these very chambers during those sessions when Communist obstruction tactics were something to reckon with will know full well whereof this Committee speaks. And perhaps have a much greater appreciation of the Committee's problem in conducting public hearings, than some legislators who have not encountered the skillful and utterly vicious and unprincipled Communist strategy head-on.

CROSS-EXAMINATION

Some attorneys asked for and were refused the right to cross-examine witnesses appearing before the Committee. There are several very good reasons why cross-examination is seldom permitted at legislative hearings, and especially hearings having to do with Communists.

Communist attorneys are notoriously skilled in disruption, and a legislative hearing with Communists free to cross-examine and abuse witnesses without the Committee having a corresponding power of summary contempt, would be a farce and of course the Communists and their attorneys know it.

A legislative committee should not have the power of summary contempt. In fact, any attempt to make a legislative hearing a quasi-judicial function would be entirely improper. Any attempts to do this would defeat the entire purpose of legislative hearings.

Again we wish to quote the recommendation of the Brookings Institute in its "Suggested Standards for Determining un-American Activities," in which they say:

"Persons charged with un-American activities should have the right to be represented by counsel when appearing before the Committee and in dealing with the Committee, but neither such persons nor their counsel should have the right to cross-examine witnesses appearing before the Committee nor to be present at any executive session of the Committee whether held for taking testimony or for other purposes. The Committee is conducting an investigation and is not trying persons or putting them in jeopardy. The Committee may, however, in its discretion give such persons or their representatives the privilege of examining witnesses or making presentations to the Committee or any of its members in executive session."

Perhaps the best way to explain the outrageous conduct of some witnesses called to testify before the Committee and that of some of their attorneys is to show that such conduct conforms to specific Communist Party instruction to its members when called before any official agency.

The Communist attitude concerning any inquiry into their conspiracy or membership is graphically summed up by an editorial in the *Daily Worker*, the official Communist organ in the United States, and quoted by the Rapp-Coudert Committee of the New York Legislature:

The *Daily Worker* exhorts as follows:

"It is the duty of the Communists to throw every possible obstacle in the way of a conviction of their fellow Party members in the court, to defend these members by all possible means and absolutely to refuse to give testimony for the state in any form. Testimony of Communists can only be given for the defense of Communists and then it must be based upon uncompromising defense of the party and its program."

Still another Communist instruction to Party members is found in a Communist pamphlet, "The Agent Provocateur in the Labor Department." That pamphlet declares:

"The general and fundamental rule for all Communists is: Make no statement. Of course this does not mean that all questions are simply to be met with the answer, 'I refuse to make a statement.' The tactics to be used under * * * examination must be much more elastic than that. But the fundamental principle remains the same: No statements incriminating any comrade, no names, no addresses, not a single fact which could possibly be used directly or indirectly against the Party, its organs or individual members of the organization. No explanations in this respect. Absolute denial even when personally confronted with the persons and despite the evidence given by the police spies and agents provocateurs. Whoever infringes, even but a little, these fundamental rules must instantly and mercilessly be ejected from the Party."

"If therefore the police have any evidence against you or if they know that you are a Party member, you must make no further statement. Nor should you let yourself get involved in talks and discussions even about seemingly distant topics, such as views of life, etc. Only should the police not know for certain that you are a Party member, and have no proofs to that effect in their possession—then, since a categorical refusal to make any statement would convict you of being a Communist, you may permit yourself a few short statements calculated to obtain credence, but only with regard to your own person."

These standard Communist instructions to Party members in trouble may shed much light on the conduct of some witnesses at our second hearing who, knowing the Committee had proof of their Party membership, were forced to

admit it, but countered that they had quit the Party. They could offer no proof that they had beyond their bare statement.

It may also shed light and a special light on their refusal to further answer Committee questions, even to the extent of placing themselves in contempt which carries a lesser penalty than perjury.

ACADEMIC FREEDOM

In this Committee's studies of the reports and investigations of other legislative investigations having to do with the Communist conspiracy we have been able to anticipate many of the counter moves of the Communist Party.

For instance, we found that whenever a legislative committee turned to probing the Communist activities in education a committee to defend academic freedom was born. This was true in California, New York and other places.

While we did not know what persons would sponsor and promote such a committee in the State of Washington, we were certain that we would have one. We were not disappointed.

It is significant that a committee allegedly interested in defending academic freedom blanketed the State of Washington with its outcries immediately following an announced intention by this Committee to investigate Communism in education.

It is of course obvious to unbiased people that legislative inquiries regarding the conduct of tax supported institutions is customary and proper. Charges and implications by puppet pressure groups that such inquiries constitute an invasion of academic freedom should be closely scrutinized to determine origin, motives and intent.

All of the Communist Fronts, their sympathizers, their followers, and their dupes, as well as those in a state of mental confusion are engaging in a concerted effort to convince the people of this state that academic freedom has been imperiled by this Committee's conduct of the University of Washington hearings.

They are in effect challenging the right of the people, through their own Legislature, to question their own employees.

This Committee could go into great detail upholding the sovereign rights of the Legislature, but the absurdity of the "academic freedom" subterfuge should be apparent in light of the forthright statements of Doctor Raymond Allen, President of the University of Washington.

Doctor Allen said of this Committee's hearings in his 'Open Letter to the Friends of the University of Washington on Communism in Education':

"Academic freedom has not been abridged * * * Similarly civil liberties are not abridged by procedures which seek to ascertain facts and which do not result in any action affecting those liberties * * * It is to the credit of this Committee, I think, that it has not attempted to smear liberals with a red brush."

It is the opinion of this Committee that the Legislature should take an uncompromising position opposing the employment of Communists in education. This should also include those undercover Communists who successfully conceal their actual membership in the Party but who reveal their true loyalties by their undeviating adherence to the Communist program and Party Line.

In the event of administrative failure to properly safeguard the youth in our schools and universities from the subtle treasonable influences of Communist instructors, the Legislature has the final say and can take such action as it deems necessary to effect a remedy.

It is certain that the parents of the state will not long tolerate the expenditure of their tax money to finance the corruption of their children by Communist instructors in the field of public education.

History is replete with disastrous attempts to monitor the mind and define truth. Certainly few, if any, restraints should be placed on the sincere, honest and capable teacher. Academic freedom is fundamental to progress, nor can it be restrained without imperilling all freedom.

It should not, however, be confused with license, and it should extend to both ends of the classroom. Academic freedom also includes the right of the student, the parent and the state to dissent from the imposition of alien inspired propaganda on students by agents of a foreign government masquerading as liberals.

The propagandizing of students becomes particularly objectionable when it is engaged in by those employed by the state, especially when this propaganda is foreign inspired and designed to destroy the faith of the student in the American system of government and way of life.

It should not be sufficient for the educational administrator to take the position that he will take action only against those Communists who admit Party membership. Most of the more important Communists in education are not card-carrying members and never have been.

Testimony given at the public hearings of this Committee by former high-ranking Communists shows that the Communist Party protects its important members by not requiring conventional Party affiliation.

The best possible information that can be secured as to actual connection with the Communist Party is a history of unbroken adherence to the twisting Party line. When a professor consistently follows the Party Line and espouses all of their causes you may be certain that for all intents and purposes he is a Communist, and could not be doing a better job for them if he were openly on their payroll.

When a professor wilfully places himself in this questionable position the burden is not on the state or his immediate superior to prove that he pays his dues in the Communist Party.

No restraint should be attempted on the personal beliefs of the teacher, nor his right to hold them publicly, however faulty his premise or conclusions. His conduct is an entirely different matter. Active and voluntary participation in a conspiracy to work injury to his employer (the State) becomes a matter of dishonesty and treachery and has nothing whatever to do with academic freedom.

One of the most subtle methods used by Communist teachers to sway the mind of the student without incriminating himself is to suggest courses of reading and books which will do the job that the Communist professor or teacher dare not do openly.

There are many Communist slanted books and pamphlets which take the young student without awareness even to himself into the path of Communist belief. Perhaps at this point the Committee can state that a quiet spot check of some of our public schools disclosed that this type of literature is on the bookshelves in classrooms, and so placed as to be readily accessible to the student.

The Committee has reason to believe that this method of infiltration and the shaping of the young mind is practiced on a scale that makes it mandatory upon the Thirty-first Legislature to provide for the fullest investigation of not only

curriculum-approved reading matter but of reading matter which is adroitly introduced into classrooms and does not have official approval.

The Committee invites particular attention to one pamphlet in some Seattle classrooms bearing the title, "The Land of the Soviets." The subversive character of this pamphlet has been thoroughly established and it is high time that this and similar media of Soviet propaganda are summarily removed from the classrooms of our tax-supported educational system.

Your Committee had planned to make this investigation, but the consistent obstructionist tactics of the Communists during all its public hearings so delayed the Committee in its operations that it could no more than make a cursory check in the brief remaining time. This inquiry should unfailingly be pursued.

DR. RAYMOND B. ALLEN
President of the University of Washington

The Committee extends its appreciation for the cooperation which Dr. Raymond B. Allen, President of the University, made possible between the Committee and its investigators and the University administration.

The Committee found Dr. Allen cooperative at all times. His cooperation was dignified, courteous and effective. The Committee kept Dr. Allen fully informed of its evidence, its plans, and its objectives, and feels that Dr. Allen, once convinced that Communists had infiltrated into the University, left nothing undone to pave the way for a complete fact-finding investigation.

The relationship between Dr. Allen, the Committee, and its investigators, was mutually cordial. Dr. Allen is undoubtedly the most completely informed person in the University administration as to the methods employed by the Committee in its investigation. His views on the conduct of the Committee and the relationship of its operations on civil rights and academic freedom are quoted in another section of this report. However, Dr. Allen has seen fit to enlarge upon his previous comment in a letter to the Chairman of your Committee dated January 7, 1949. A copy of the letter is transmitted herewith:

University of Washington
Office of the President
Seattle 5, Washington
January 7, 1949

Dear Mr. Canwell:

I understand that you are preparing the report of the activities of your Committee to the 1949 Legislature. I shall look forward to reading this report. I have long believed that the powers of investigation vested in our legislative bodies are among the most important functions of a people's government. Doubtless your Committee's experience in conducting investigations of alleged subversive activity in the State of Washington has given you much useful information, and I am sure that the public record of the Committee's proceedings will be of value to the Legislature and the people of the State.

As I have said before, I do not feel that the investigations you conducted of the University of Washington, constituted any abridgment of academic freedom or civil rights. A transcript of your hearing was turned over to the University, and, as you know, the University itself has conducted protracted hearings, just recently concluded, to test the validity of the information elicited in these hearings and to determine what action is indicated. This, it seems to me, is as it should be. A legislative committee is a fact-finding agency. When they are made available, its findings should be used by public administrative agencies of government, and voluntary organizations as well, in a manner that will best serve the welfare of the institution or organization itself. This is precisely the course events are taking at the University of Washington.

I appreciated your courtesy the other day in asking me to make the suggestions I did with reference to possible improvements of the procedure by which legislative investigations are conducted. Doubtless the Legislature will have many suggestions before it and will be duly conscious of its obligations to protect the rights of individuals and the security of the State and the welfare of its people and government as well. As experience has shown not everyone will be pleased with the conduct of any such hearings because they usually embarrass some individuals or organizations. Such, however, is the nature of the democratic process.

One point should be placed somewhere in the record. It is this, that there has been no collusion between the University and your Committee. The University did not invite the Committee to conduct an investigation of its staff. When the Committee presented information to the University indicating that there was a strong possibility that certain members of the University faculty were covert members of the Communist Party and said that it was the Committee's intention to carry the investigation further, the University, through its Board of Regents and President, offered full cooperation. The members of the staff and faculty were urged by the President to be frank and open in providing any information sought by the Committee's investigators. This cooperation, of course, the University was duty-bound to give to a legally constituted agency of the Legislature of the State of Washington.

May I take this opportunity to thank you for your unfailing courtesy and integrity in all of your dealings with the University.

Sincerely yours,

(Signed) R. B. Allen

RAYMOND B. ALLEN, President

MELVIN RADER

In the case of Melvin Rader, Associate Professor of Philosophy at the University of Washington, the Committee's investigating staff and an agency of the Federal Government have produced evidence showing conclusively that Professor Rader did not tell the truth when he testified before the Committee.

Mr. Rader was identified by one George Hewitt, a former member of the National Committee of the Communist Party, as having attended the Briehl school in Communist training in New York State "in the summer of 1938 or 1939."

The precise summer was later established as that of 1938.

Mr. Rader testified that during the period in question he taught at the University of Washington summer school and that he spent a vacation at Canyon Creek Lodge near Granite Falls.

Your Committee's investigators have established that Mr. Rader's first appearance at Canyon Creek Lodge was in August of 1940, and that there was a six-weeks' period when he did not teach summer school at the University in 1938.

The Federal agency heretofore mentioned has in its possession the testimony of two witnesses who corroborate Mr. Hewitt's statement that Professor Rader was in New York in the summer of 1938.

All of this evidence has been made available to the proper state authority and has been made available to the administration of the University of Washington and to the Board of Regents.

The Committee's published report of the second public hearings does not disclose that Professor Rader refused to confront Mr. Hewitt and actually "ran out" on Mr. Hewitt.

When Mr. Hewitt informed your Committee that he recognized Rader as a former attendant of the Briehl school for Communist educators, your Chairman immediately invited Professor Rader to his office.

Professor Rader came into the executive office but as soon as he saw Hewitt, and before a word had been spoken, he turned on his heels and said he refused to have any conversation. As Rader hurriedly left, Mr. Hewitt again identified him positively as the Mr. Rader that attended the Briehl school. Upon leaving the room Rader said he would not talk without his attorney. Your Chairman then courteously invited him to return with his attorney. Shortly thereafter, Attorney Ed Henry, claiming to represent Professor Rader, showed up but Rader was not with him.

Professor Rader would have had every opportunity, had he returned with Henry, to examine and cross-examine Hewitt, as did Henry. Hewitt persisted in his identification but Rader was not there to offer any denial.

Your Committee enters this in its report to the Legislature to contradict and refute the manufactured stories that Professor Rader was not given an opportunity to confront and question his accuser. There is no record of this in the Second Report because events herein related took place in the Committee's executive offices. This is the first time they are publicly disclosed.

Professor Rader is shown by the fully authenticated and documented records of your Committee to have been sponsor for, speaker for, or to have been otherwise directly associated with, twelve organizations which have been officially cited as Communist Fronts and subversive.

Your Committee feels that the perjury charge filed against Mr. Hewitt was not only hasty and unwarranted but of political significance.

Your Committee feels that it would be a proper subject of inquiry for the Thirty-first Legislature to ascertain why the recently appointed Prosecutor of King County, after first admitting the validity of the evidence placed before him and definitely committing himself to seek dismissal of the perjury charge against Mr. Hewitt, later reversed himself and explained that: (1) he was committed to his predecessor, now a member of the Superior Court bench, not to do so; and (2) that it might cost him 12,000 votes when he runs for election to take such a step.

ED HENRY AND PAUL COUGHLIN

Among the most vociferous critics of this Committee have been Paul Coughlin and Ed Henry, law associates, of Seattle.

They appeared during the second public hearing as counsel for Professor Melvin Rader of the University of Washington.

The Committee has established that this instructor of our youth has been associated with as sponsor, member, or in other capacities, with twelve Communist Front organizations, and that his provable record alone should warrant his dismissal from the teaching staff of our state University.

But it is Coughlin and Henry who have been in the forefront of critics of our Committee procedure and who have stressed what they claim to be the "need" for protection of civil liberties of persons investigated by this legislative Committee.

No member of this Committee believes for a moment that the Committee nor any of its members should be considered above criticism. But when critics publicly raise their voices it is the right of those criticized to inquire whether the criticism be honestly motivated even though conceivably mistaken, or whether the critics are actuated by motives not readily discernible to the uninformed.

It is with this thought in mind that this Committee directs the attention of the Legislature to a discussion of the International Juridical Association in Appendix 9, under the title "Communist Front Organizations," which Appendix is part of the records of the Special Committee on Un-American Activities of the House of Representatives of the Seventy-eighth Congress.

In this report the congressional investigating committee says of the International Juridical Association:

"Probably the strongest evidence of the Communist character of the International Juridical Association is to be found in the records of the persons who compose the organization's national committee.

"Among those persons we find a substantial nucleus of publicly avowed or provable members of the Communist Party. At the beginning of this study, therefore, we cite a portion of the Communist record of these persons. Subsequently a sketch of the organization's history and policies will add confirming evidence of its Communist character."

The congressional committee then gives the provable Communist records of seven of the national committee members of that period. (See Pages 796, 797, 798.)

The congressional committee report then goes on:

"Up to this point we have named 7 members of the national committee of the International Juridical Association concerning whose membership in the Communist Party there is definite proof.

"Even if there were not yet others who belong in the category of Communist sympathizers or fellow travelers, these 7 would constitute a very sizable nucleus of Communist Party members on national committee which numbers 61 members.

"It is rare in recent Communist strategy to find any Communist front organizations with as many as 10 per cent provable Communist Party members on its highest governing body —

"In addition to the relatively small nucleus of Communist Party members and the much larger group of Communist sympathizers or fellow travelers, there are always, or usually always, some individuals found in a Communist front organization—even on its highest governing board—who are distinctly not party members or fellow travelers.

"It is a typical Communist device to point out these non-Communists and non-sympathizers as proof that the organization is not Communist controlled. This is the argument used by those who for one reason or another deny that the International Juridical Association is a Communist organization.

"The seven Communist leaders of the International Juridical Association who have been discussed already do not by any means exhaust the list of those in the organization who have impressive records of Communist affiliations. Other fellow travelers (some of whom may be secret party members) require our consideration."

The Committee then goes into the records of Pearl Hart, Charles H. Houston, Henry T. Hunt, Abraham J. Isserman and Colston E. Warne, who are also members of the National Committee of the International Juridical Association.

It then briefly goes into the subject of the well-known type of Communist interlocking directorates. It says:

"There is not a single important Communist front organization which does not have a substantial representation from the personnel of the International Juridical Association in its governing body.

"A complete picture of this interlocking directorate would require more space than is necessary to reach the conclusions which it supports."

The committee cites as examples to sustain its conclusions the American Peace Mobilization, the International Labor Defense and the National Federation for Constitutional Liberties as proven Communist Fronts whose directorates are interlocking with that of the International Juridical Association.

The congressional committee report further asserts that:

"From its inception the International Juridical Association has specialized in the defense of individual Communists or of the Communist Party itself."

It lists several score Communist cases, many of them now notorious, in which the International Juridical Association has taken a special interest.

Furthermore the congressional committee's report shows that the International Juridical Association has received monetary support from the Communist-controlled Robert Marshall Foundation of which Jerry O'Connell for long has been a trustee.

The committee found that the International Juridical Association "was one of the regular beneficiaries of that fund."

Members of the national committee of the International Juridical Association representing the State of Washington in 1942 are named by the congressional committee as Paul Coughlin and Ed Henry.

LEGISLATIVE INVESTIGATIONS AND THE FBI

Those most vocal in their opposition to legislative investigations of Communists invariably include the argument to support their attack, that the job is already being ably done by the FBI; that we have nothing to fear from Communists because at the first outbreak of hostilities Mr. Hoover and his agents would swoop down on all of the Communists in the United States and confine them forthwith.

We have a high regard for Mr. Hoover and the great organization which he so ably heads but he is limited by law in the steps he may take in safeguarding America from its present enemy.

In fact, the Committee has only the highest praise for the various branches of the Department of Justice. We have worked in utmost harmony with all agencies engaged in the investigation of subversive activities. Our only contention is that the agents of this government are not armed with sufficient weapons to cope with the Communist conspirators effectively.

It is doubtless important to have a secret file on the activities of Communists. It is vastly more important for the American people to know about their evil designs and activities in this country. It is vitally important that they know who they are so that they can appraise more accurately their very clever propaganda. The Communists could not possibly have attained their present strength in America if the people had been adequately informed by agencies in possession of vast amounts of information concerning the underground activities of thousands of foreign directed agents of the American branch of the World Communist Party.

We believe that Communism is like a disease, as Elizabeth Bentley, self-confessed former Communist Soviet spy has stated, "A disease which corrodes the soul and the mind of man." To attack this disease merely by spying on its agents and storing the findings in one-way secret files is no more conducive to curtailing the spread of Communism than would a similar attack curtail the spread of typhus, diphtheria, or smallpox. The Committee is not speaking of Communism as an economic or political ideology but as a label given to the conspiracy and conspirators of a totalitarian foreign government that seeks to destroy the United States.

It is precisely because the Communists have developed a technique to accomplish our destruction which little fears the secret dossiers compiled by the Department of Justice, that legislative investigations seeking information on

which to base adequate legislation have become of paramount importance. Certainly it is obvious that Department of Justice files concerning the conspiratorial activities of the Communists have not prevented their rapid and widespread infiltration in labor, education and government.

J. Edgar Hoover is one of the outstanding and most vocal enemies of the Communists and has repeatedly stated that the members of the Communist Party in America are fifth column agents representing a hostile government. Mr. Hoover has also clearly stated the limitations placed by law upon his organization. In a recent interview, in answer to the question, "Does the FBI list organizations ruled to be subversive?" he said:

"The FBI does not make policy, recommendations, conclusions, or rulings, based upon our investigation. It is a fact-finding agency. The facts it gathers are submitted to Department of Justice officials. The Attorney General rules on whether the organization is subversive. The FBI investigates alleged membership in subversive organizations of federal employees after the Attorney General has ruled the organization to be subversive."

In reply to a question regarding the initiation of criminal prosecutions by the FBI in cases where federal employees failed to disclose Communist Party affiliations, Mr. Hoover stated:

"Criminal prosecutions are initiated in proper cases, but not by the FBI. That is a responsibility of the prosecuting officials of the Department of Justice and the various United States attorneys. It's not a simple matter to prove that one is a Communist. In fact, the most dangerous Communists in the nation today are not the open, avowed, card-carrying Party members. They seek to attach themselves to liberal and progressive movements. They conceal their real Communist affiliations, because they know that once exposed they will outlaw themselves in the hearts and minds of Loyal Americans. A real Communist supporter can be identified by his acts—he follows his party line, espouses the Party's causes and often furthers its aims by his overt acts."

"The Communist Party has long regarded infiltration of the government service as a project carrying highest priority. They have sought to accomplish this under the guise of secrecy. The menace of Communists in government service is a threat to our national security because of (1) opportunity to engage in espionage to the detriment of our national defense; (2) opportunity to influence the formulation and carrying out of governmental policies; (3) opportunity to promote Communist propaganda, creating disruption and undermining public confidence; (4) opportunity to recruit Party members in government service, or soliciting the aid of innocent co-workers in assisting them to carry out Party assignments; and (5) opportunity to place other Communists in government service. One person whose loyalty to the Communist cause exceeds his loyalty to the United States could, if properly placed, do irreparable harm to our security."

LEGISLATIVE INVESTIGATIONS AND THE PRESS

Ours and other legislative committees engaged in the investigation of Communists have been accused of seeking "headlines." To this, the Committee cheerfully pleads guilty. We have sought the most complete and accurate news coverage of our every act. We have nothing to hide. We are seeking out traitors to America. When we find them we believe it is public information which concerns the national security and we have made every effort to see that the people were given the facts. Had the facts been made available to the people from other official sources there would have been no need for a committee, nor headlines of this kind.

We have read reams of criticism of the legislative investigating committees by certain columnists and listened to almost daily barrages on the air by self-appointed critics since the Whitaker Chambers disclosures. It is significant, we think, that these critics center their fire on what they claim to be wrong with the investigation committee but have not one word of criticism

for those who have so flagrantly betrayed their country to an unfriendly and predatory foreign government. Why?

It is high time that we hold up to public gaze those who are consistently attacking American institutions and their representatives while at the same time stealthily apologizing for everything Russia does and wants.

We believe that the security of this country is at all times paramount to a fancied right of privacy regarding affiliation with a known subversive organization such as the Communist Party. When in the exercise of self-asserted civil rights any individual places the whole people in jeopardy the primary right of self-preservation asserts itself, and the people may properly take such measures as the situation may indicate is justified. Certainly the most proper means available to the people is to call upon their elected representatives, granting them sufficient powers to investigate, inquire, and recommend proper safeguards.

The press and radio are the major if not the only means of quickly and intelligently informing the people of the activities of their elected representatives. It is therefore to the press and radio that the people turn for information. That is why not only your Committee but similar Committees throughout the country have held open hearings to which both the press and radio have had free and untrammelled access.

The Legislature may be sure that any attempt to make star chamber sessions out of such hearings would be received by the public with justifiable cynicism and a deserved rebuke.

RECOMMENDATIONS

One of the purposes of such legislative committees as this one is to find an answer in law to the ever-increasing threat imposed by Stalinist Communism in its world-wide conspiracy. Its purpose too is to inform the public, whose instrument this Committee is, of the extent and nature of the Communist conspiracy as it affects the State of Washington.

Much effort is being expended to impair the powers of the Legislature to investigate subversives. At this time the only safe course is to strengthen the authority of the Legislature and its investigating Committee in this direction.

The constitutional safeguards which already adequately surround the witness before legislative hearings should be specifically set forth so that misinformation circulated by Communists to confuse and mislead the people will be dispelled.

The Constitution of the United States amply protects the individual in the exercise of his individual rights. These rights are in nowise invaded by the authority granted to your legislative Committee. The individual is not required to give self-incriminating testimony, for the very simple reason that legislative committees have no indicting powers and the individual cannot be criminally prosecuted as a result of testimony he is required to give against himself.

However, it is the opinion of this Committee that specific legislation declaring the immunities enjoyed by a witness before a legislative committee should be set forth in the interest of clarifying a purposely created misconception in the public mind.

The right of the individual to enjoy benefit of counsel when testifying before a legislative committee or appearing before such committee in executive session should be clearly set forth. This is not to imply that counsel before a legislative committee should not be restrained from unethical or unseemly tactics.

The privilege of counsel to cross-question witnesses should at all times remain within the discretion of the legislative committee. The factors of time and energies of the committee members must always be considered. It should be borne in mind too that legislative committees do not have and should not have the powers of summary contempt and therefore cannot permit counsel to function without restraint. Such committees at all times function as a fact-finding agency and unlimited argument and debate have no proper place before them and serve no useful purpose.

The facts revealed in the first and second Committee reports indicate beyond any question of doubt that the Communist conspiratorial organization has extended its roots deeply into many branches of our public and civic life and that the pioneer work of this Committee has served only as the beginning of a complete exposure. To end the function of this Committee at this time would prove a fatal blow to the progress that has been made in alerting the people of our state to this danger and would in effect over a period of time nullify the accomplishments already made. Your Committee therefore, in the deepest earnestness, recommends that the Thirty-first Legislature continue to see that the function of this proper and constitutional branch of legislative activity be continued for the public welfare and security.

Your Committee also feels that it is of the utmost importance that a successor committee be adequately financed to effectually deal with the problems it will confront and the important demands that will be made upon it in the public interest. Your Committee had adequately shown, we believe, that the people have received inestimable value for every dollar heretofore appropriated for this work.

Your Committee is of the belief that to curtail the operations of a successor committee by inadequate financing would prove to be a penny-wise and pound-foolish move. Nowhere, we believe, can the expenditure of a state tax-dollar bring greater returns in the form of ultimate security to the taxpayers and the citizenry generally. Communists have brought to bear almost unlimited personnel and resources, originating both within and outside the state, to checkmate the effective work of this Committee at every turn. A successor committee cannot have its hands tied by insufficient funds with which to operate.

Your Committee recommends that:

- (1) Penalties for contempt and perjury committed before a legislative hearing be made much more severe.
- (2) Contempt of the Legislature or a legislative committee should be defined to include disorderly conduct which arrests the orderly and dignified procedure of a legislative hearing.
- (3) Consideration be given new procedure in cases of legislative contempt giving the legislative committee recourse to the Attorney General to proceed directly on information provided by a legislative committee, thus averting the possibility of unnecessary delays on the part of lesser public officials.
- (4) It may be mandatory for any person, all or part of whose wages or salary is paid from public funds, to respond to a summons by a legislative

committee and freely and truthfully answer all lawful questions asked by the committee and that failure to do so automatically constitutes grounds for dismissal from public employment.

(5) That financing of the Communist Party and its activities through tax funds be minimized to the greatest extent possible by:

- (a) Requiring any pension or welfare recipient to state under oath that he or she is not a member of the Communist Party.
- (b) That the recipient will not use any such funds to aid the Communist conspiracy or any of its officers, representatives, or front organizations.

and by any other provisions in the setting up of the pension and welfare funds that the Legislature may see fit to employ, and further that the penalty for violation shall be permanent suspension from the pension and/or welfare rolls.

(6) That the use of pension and welfare funds for the support of any Communist propaganda organ (such as the late New World, and the Peoples Daily World of San Francisco, or the Daily Worker of New York) for instance, be strictly prohibited on the ground that it is furthering a foreign conspiracy against the peace and well-being of the citizens and taxpayers of this state, and that the penalty for such a subversive diversion of tax funds shall mean permanent suspension from the pension and/or welfare funds.

(7) The Legislature strengthen the anti-subversive clause contained in the omnibus appropriations of the 1947 session laws, so that it will specifically name membership in or affiliation with the Communist Party as a bar to employment on any state or state sub-division payroll. The existing provision fixing a maximum penalty of \$1000 fine and a year in jail for swearing falsely in connection with a "subversive" organization has proved to be wholly inadequate and ineffective because of legal hair-splitting. For the purpose of this recommendation a Communist should be defined as one holding membership in the Communist Party, the Communist Political Association, or any organization, however defined, having a proven working affiliation with the Communist Party of Soviet Russia. Further, that party affiliation may properly be imputed where the individual undeviatingly adheres to the Communist Party Line or has proven affiliation with three or more known Communist-Front organizations which have been declared subversive by a qualified branch of the State or Federal Government.

(8) No action for slander or libel should lie against an individual for labelling as a Communist a person who can be proved to be a member of three or more Communist Front organizations officially declared subversive. Affiliation with recognized Communist Front organizations should place the burden of proof as to loyalty on the individual so affiliated.

(9) In appointing members of the Legislature to serve on the successor to this Committee the Speaker of the House and the President of the Senate, and the membership of both houses, should exercise the most extreme care to see that such an appointee is neither a Communist nor a Communist sympathizer, nor anyone who might lend himself to the purposeful or unwitting betrayal of the Committee to subversive forces, and to name to the successor committee only such members of the Legislature who are wholly in accord with the intent of the 31st Legislature to further expose and arrest the growth of the Communist conspiracy in our State.

(10) The investigating staff of your Committee, as heretofore stated, was chosen for its experience and expert knowledge. At no time was there any

political consideration or any consideration of patronage. Your Committee felt that in a work as important as this to the public welfare that only the most capable and proven persons should be employed. No member of the investigating staff at any time was asked concerning his party affiliations. The Committee does not know how many are Democrats and how many are Republicans. It should also be stressed that in every case the Committee sought the man. In nearly every instance the members of the investigating staff resigned other important positions to undertake their work for this Committee. The investigating committee, as constituted, has developed into a highly efficient team and it is the recommendation of your Committee that the investigating staff be held intact and that in the employment of investigators no consideration whatever be given political patronage by either Democratic or Republican members of the Committee.

Your Committee cannot refrain at this point from reminding the Democratic members of the 31st Legislature that the retiring state chairman of the Democratic Party and the Democratic State Attorney General have given their public approval and endorsement of the politically non-partisan attitude and operations of your Committee since its creation by the 30th Legislature. It has at all times been the purpose of your Committee to protect the political integrity of the State against the advances of the foreign-directed Communist conspiracy, and we believe that every act and utterance of the Committee will fully bear out this statement.

(11) To press with all vigor and energy and all its resources the investigation into Communism in our tax-supported schools, both common schools and institutions of higher learning. Communists already have made salutary inroads into our education system. Testimony, including that of high ex-Communists, in the first and second committee reports, disclose the alarming progress that has been made.

In the blue print for Communist infiltration the Communist objective is summed up in these simple words:

"In destroying the capitalist monopoly of the means of production, the working class must also destroy the capitalist monopoly of education; that is, it must take possession of all the schools, from the elementary schools to the universities." • (Program of the Communist International, adopted by the Sixth World Congress, Sept. 1, 1928, Moscow, "Blue Print for World Conquest," page 206.)

As heretofore stated, your Committee had opportunity merely to scratch the surface of Communist infiltration in our tax-supported school system.

(12) The successor committee, or a separate committee, be authorized to fully investigate the manner in which textbooks and all other reading matter in our schools is chosen and approved, and that the Legislature make it mandatory to either delegate existing agencies or create a separate agency with the responsibility of stemming the flow of subversive reading matter that is finding its way into some of the classrooms of our schools.